

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

KOCH INDUSTRIES, INC. as successor in interest
to Koch Investment (UK) Company,

Defendant.

Adv. Pro. No. 12-01047 (SMB)

CERTIFICATION TO COURT OF APPEALS BY ALL PARTIES¹

A notice of appeal having been filed in the above-styled matter on March 16, 2017 (ECF No. 90), Irving H. Picard (the “Trustee”), as trustee of the substantively consolidated liquidation proceeding of Bernard L. Madoff Investment Securities LLC (“BLMIS”), under the Securities Investor Protection Act (“SIPA”), 15 U.S.C. §§ 78aaa, *et seq.*, and the estate of Bernard L. Madoff, individually, and Koch Industries, Inc. as successor in interest to Koch Investment (UK)

¹ This certification complies with Official Bankruptcy Form 424.

Company, who are the appellant and the appellee, hereby certify to the court under 28 U.S.C. § 158(d)(2)(A) that a circumstance specified in 28 U.S.C. § 158(d)(2) exists as stated below.

Leave to appeal in this matter:

- ☐ is required under 28 U.S.C. § 158(a)
☒ is not required under 28 U.S.C. § 158(a)

This certification arises in an appeal from a final judgment, order, or decree of the United States Bankruptcy Court for the Southern District of New York entered on March 6, 2017 (ECF No. 89).

An immediate appeal from the judgment, order, or decree may materially advance the progress of the case or proceeding in which the appeal is taken. See 28 U.S.C. § 158(d)(2)(A)(iii).

SIGNED: April 4, 2017
New York, New York

By: /s/ Stacy A. Dasaro
BAKER & HOSTETLER LLP
45 Rockefeller Plaza
New York, New York 10111
Telephone: (212) 589-4200
Facsimile: (212) 589-4201
David J. Sheehan
Email: dsheehan@bakerlaw.com
Stacy A. Dasaro
Email: sdasaro@bakerlaw.com

*Attorneys for Appellant Irving H. Picard,
Trustee for the Substantively Consolidated
SIPA Liquidation of Bernard L. Madoff
Investment Securities LLC and the Estate of
Bernard L. Madoff*

By: /s/ Peter J. Amend
**ORRICK, HERRINGTON &
SUTCLIFFE LLP**
1152 15th Street, N.W.,
Washington, D.C. 20005
Telephone: (202) 339-8400
Facsimile: (202) 339-8500
Jonathan P. Guy, Esq.
Email: jguy@orrick.com
Peter J. Amend, Esq.
Email: pamend@orrick.com

Attorneys for Appellee Koch Industries, Inc.